

MEMORANDUM

August 14, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: DAVID O'KEEFE, ESQ.
Bonne, Bridges, Mueller, O'Keefe and Nichols

NARBEH BAGDASARIAN
Deputy County Counsel
Health Services Division

RE: Rosa Franco, et al. v. County of Los Angeles
Los Angeles County Superior Court, Case No. BC 309544

DATE OF
INCIDENT: April 25, 2003

AUTHORITY \$2,180,000.00, Plus Assumption of the Medi-Cal Lien Not to Exceed
REQUESTED: \$183,390.30

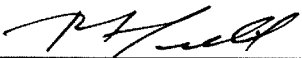
COUNTY
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☒ Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on August 21, 2006

SUMMARY

This is a recommendation to settle for \$2,180,000.00 the medical negligence lawsuit brought by Peter Ochoa for the injuries he sustained while hospitalized at LAC+USC Medical Center. The State, having paid \$183,390.30 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County.

LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

SUMMARY OF FACTS

Plaintiff, Peter Ochoa, a 17-year-old male, was suffering from a congenital blood vessel disorder in his brain. On April 6, 2003, he was admitted to Northridge Hospital where he underwent a diagnostic imaging study. The study showed bleeding in the right side of his brain.

On April 21, 2003, while still at the Northridge Hospital, Mr. Ochoa underwent another imaging study which indicated that he had a brain aneurysm (this is a disorder of the blood vessels whereby the walls of the blood vessels are weakened; this makes the person very susceptible to bleeding).

On April 22, 2003, the personnel at LAC+USC Medical Center approved the transfer of Mr. Ochoa to LAC+USC Medical Center. The patient was admitted to the neurosurgery department, at which time, he was alert and awake. The plan was to perform a clip ligation procedure (an elective surgical procedure where a clip is placed on the affected blood vessel to prevent bleeding) on Mr. Ochoa's aneurysm on April 28, 2003.

In the early morning hours on April 25, 2003, Mr. Ochoa complained of a splitting headache and suffered a seizure. Diagnostic imaging procedures revealed that he had significant bleeding in his brain which indicated that the aneurysm had re-ruptured releasing more blood into the brain. Due to the re-rupture, the risk of further bleeding for this patient increased which made an intervention mandatory. Late afternoon on April 25, 2003, the personnel performed a coil embolization procedure (an interventional radiological procedure where small coils are placed in the aneurysm to prevent and control the bleeding).

By April 29, 2003, diagnostic imaging confirmed that Mr. Ochoa had suffered a stroke producing permanent neurological injuries. Presently, he continues to require supervision and assistance with all activities of daily living due to severe cognitive deficits. Mr. Ochoa will need to live in a supervised setting for the rest of his life because of significant safety concerns.

DAMAGES

If this matter proceeds to trial, the claimant will likely seek the following:

Pain and Suffering (MICRA Limit)	\$ 250,000.00
Future Medical Care	\$4,000,000.00
Medi-Cal Lien	\$ 183,390.30
Lost Earnings (past and future)	\$1,531,000.00
Attorney Fees and Costs	\$ 850,000.00
Other (future wrongful death)	\$ <u>180,000.00</u>
TOTAL	\$6,994,390.30

The proposed settlement includes:

Pain and Suffering	\$ 250,000.00
Medi-Cal Lien	\$ 183,390.30
Attorneys Fees (MICRA Estimate)	\$ 394,916.67
Future medical care and future wrongful death	\$1,510,083.33
Costs of Litigation	\$ <u>25,000.00</u>
TOTAL	\$2,363,390.30

STATUS OF CASE

Peter Ochoa brought this medical malpractice lawsuit against the County of Los Angeles through his Guardian ad Litem, Rosa Franco. The current trial date has been vacated pending approval of this settlement.

This matter involved complex medical issues surrounding the care and treatment rendered to Peter Ochoa at LAC+USC Medical Center. In addition to the normal discovery in such matters, it was necessary to retain numerous medical experts to review the care rendered by the County personnel and the extent of the plaintiff's injuries.

Expenses incurred by the County of Los Angeles in the defense of this case through November 30, 2005, are attorneys fees of \$79,384.50 and \$34,572.56 in costs.

The total cost to the County of Los Angeles, as a result of this settlement is as follows:

Indemnity (Settlement Amount)	\$2,180,000.00
County Attorneys Fees and Costs	\$ 114,957.06
Medi-Cal Lien	\$ <u>183,390.30</u>
 TOTAL	 \$2,478,347.36

EVALUATION

Medical experts will be critical of the delay in performing surgery, or considering an alternative treatment procedure (such as a coil embolization) for Mr. Ochoa upon his admission. This delay fell below the standard of care, and is responsible for Mr. Ochoa's injuries and present condition.

We join with our private counsel, David O'Keefe, Esq., and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$2,180,000.00, and payment of the Medi-Cal lien in the amount of \$183,390.30.

The Department of Health Services concurs in this settlement.

APPROVED:



RICHARD K. MASON
Assistant County Counsel

NB:bdv

Attachment